

FILED

APR - 8 2015

**U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED AWADALLAH,

KHALID ALAZZAH,

IBRAHIM MOGHLI,

BARAA AWWAD,

WISAM ZEIDAN,

AHMAD ZAYED,

RAAD HAMDEH,

SUHAIB AWWAD,

MUATH SALAH, and

YAZAN ALSALAYMEH,

Defendants.

No.

4:15CR00159 RWS/SPM

INDICTMENT

COUNT I

(Conspiracy to Traffic in Contraband Cigarettes)

The Grand Jury charges that:

BACKGROUND

At all times relevant to this Indictment,

1. A "cigarette" is defined by Title 18, United States Code, Section 2341(1) as (A) "any roll of tobacco wrapped in paper, or any substance not containing tobacco; and (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in its filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette."

2. "Contraband cigarettes" is defined by Title 18, United States Code, Section 2341(2) as "a quantity in excess of 10,000 cigarettes which bear no evidence of the payment of applicable state or local cigarette taxes in the state or locality where such cigarettes are found, if the state or

local government requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes,....”

3. Every state in the United States imposes some tax (within a wide range) on the retail sale of cigarettes. Under Illinois state law, an Illinois state tax stamp must be affixed to any original package of cigarettes before a distributor can deliver it to a purchaser. 35 ILCS 130/3. Under Illinois State law, cigarettes that bear a tax stamp of another state are contraband cigarettes. 35 ILCS 130/1. Under Illinois State law, it is unlawful to transport contraband cigarettes into or within the state of Illinois. 35 ILCS 130/9c. The State of Illinois, Cook County, Illinois, and the City of Chicago, require a tax stamp to be affixed to individual cigarette packs as proof of applicable tax payments.

4. It is common for cigarettes to be packaged as follows: 20 cigarettes in a pack, ten packs of cigarettes to a carton; thus a carton contains 200 cigarettes. (50 cartons contain 10,000 cigarettes).

THE CONSPIRACY

5. Beginning on an unknown date, but not earlier than October 1, 2012, and continuing until the present date, in the Eastern District of Missouri, the Southern and Northern Districts of Illinois, and elsewhere,

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the defendants herein, did knowingly combine, conspire, confederate, and agree, together and with other individuals, known and unknown to this Grand Jury, to knowingly transport, receive, possess, distribute, sell, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 3241, which bore no evidence of the payment of the applicable cigarette taxes in the State of Illinois, contrary to Title 18, United States Code, Section 2342 (a).

MANNER AND MEANS

6. The means and methods by which the conspiracy was sought to be accomplished included, among others, the following:

a. The defendants, acting individually and in concert with each other, purchased State of Missouri tax stamped cigarettes in the St. Louis, Missouri area from either a confidential informant or retail business.

b. The defendants, after purchasing State of Missouri tax stamped cigarettes in the St. Louis, Missouri area, transported them by rented or personally owned vehicles to the Chicago, Illinois area.

c. The defendants, after transporting the State of Missouri tax stamped cigarettes to the Chicago, Illinois area, either sold them to local distributors or themselves sold them as retail without affixing State of Illinois tax stamps to the cigarettes.

d. The defendants made a profit on the sale of the State of Missouri tax stamped cigarettes in the Chicago, Illinois area as the cigarette tax in the State of Illinois is significantly higher than that in the State of Missouri.

OVERT ACTS

7. In furtherance of the conspiracy and to effect the objects of the conspiracy, the defendants committed and caused the following overt acts:

On or about the dates listed in Column A, in the Eastern District of Missouri, the defendants identified in Column B, purchased in cash as listed in Column C, an amount of State of Missouri tax stamped cigarettes as listed in Column D, which was then transported into, and within, the State of Illinois.

	A	B	C	D
	<u>DATE</u>	<u>DEFENDANT(S)</u>	<u>CASH PROVIDED</u>	<u>NUMBER OF CIGARETTE CARTONS</u>
a.	10/23/13	MOHAMED AWADALLAH	\$ 8,740.00	190
b.	11/14/13	MOHAMED AWADALLAH	\$ 7,050.00	150
c.	1/25/14	WISAM ZEIDAN	\$ 8,550.00	180
d.	1/31/14	IBRAHIM MOGHLI	\$ 6,080.00	128
e.	2/13/14	KHALID ALAZZAH IBRAHIM MOGHLI (DELIVERED TO CHICAGO)	\$ 17,000.00	340
f.	2/20/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 5,760.00	120
g.	2/27/14	AHMAD ZAYED	\$ 15,360.00	320
h.	3/6/14	IBRAHIM MOGHLI	\$ 15,200.00	320
i.	3/13/14	WISAM ZEIDAN	\$ 8,640.00	180
j.	3/13/14	IBRAHIM MOGHLI	\$ 14,250.00	300
k.	3/20/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 9,600.00	200
l.	3/20/14	AHMAD ZAYED	\$ 15,390.00	324
m.	3/27/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 9,600.00	200
n.	4/3/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 5,232.00	109
o.	4/3/14	AHMAD ZAYED	\$ 18,762.50	395
p.	4/10/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 15,360.00	320
q.	4/11/14	IBRAHIM MOGHLI	\$ 14,250.00	300
r.	4/17/14	MUATH SALAH	\$ 15,817.50	333
s.	4/19/14	AHMAD ZAYED	\$ 14,250.00	300
t.	4/24/14	MUATH SALAH	\$ 18,145.00	382
u.	4/25/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 12,480.00	260
v.	4/27/14	AHMAD ZAYED	\$ 9,025.00	190
w.	5/1/14	MUATH SALAH RAAD HAMDEH	\$ 13,300.00	280
x.	5/3/14	MUATH SALAH RAAD HAMDEH	\$ 15,675.00	330

y.	5/3/14	WISAM ZEIDAN	\$ 9,600.00	200
z.	5/8/14	MUATH SALAH RAAD HAMDEH	\$ 21,375.00	450
aa.	5/14/14	KHALID ALLAZZAH RAAD HAMDEH	No payment remainder of 5/8/14 transaction	44
bb.	5/15/14	WISAM ZEIDAN	\$ 7,920.00	165
cc.	5/16/14	KHALID ALLAZZAH MUATH SALAH RAAD HAMDEH	\$ 10,212.50	215
dd.	5/21/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 10,080.00	210
ee.	5/22/14	KHALID ALLAZZAH RAAD HAMDEH	\$ 19,872.00	414
ff.	5/29/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 7,200.00	150
gg.	5/29/14	MUATH SALAH	\$ 12,672.00	264
hh.	6/6/14	MUATH SALAH	\$ 18,240.00	380
ii.	6/7/14	IBRAHIM MOGHLI	\$ 7,200.00	150
jj.	6/12/14	IBRAHIM MOGHLI	\$ 22,800.00	475
kk.	6/14/14	AHMAD ZAYED	\$ 5,520.00	115
ll.	6/19/14	IBRAHIM MOGHLI	\$ 21,312.00	444
mm.	6/21/14	WISAM ZEIDAN	\$ 9,600.00	200
nn.	6/28/14	IBRAHIM MOGHLI	\$ 11,520.00	240
oo.	6/30/14	WISAM ZEIDAN	\$ 8,640.00	180
pp.	6/30/14	IBRAHIM MOGHLI AHMAD ZAYED	\$ 10,848.00	226
qq.	7/3/14	IBRAHIM MOGHLI	\$ 9,888.00	206
rr.	7/4/14	WISAM ZEIDAN	\$ 14,400.00	300
ss.	7/5/14	AHMAD ZAYED	\$ 1,728.00	36
tt.	7/8/14	WISAM ZEIDAN	\$ 9,120.00	190
uu.	7/9/14	IBRAHIM MOGHLI	\$ 8,640.00	180
vv.	7/10/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 10,080.00	210
ww.	7/11/14	IBRAHIM MOGHLI	\$ 14,544.00	303
xx.	7/13/14	IBRAHIM MOGHLI	\$ 10,080.00	210
yy.	7/14/14	WISAM ZEIDAN SUHAIB AWWAD	\$ 9,600.00	200
zz.	7/15/14	KHALID ALLAZZAH RAAD HAMDEH SUHAIB AWWAD	\$ 24,960.00	520
aaa.	7/15/14	IBRAHIM MOGHLI	\$ 20,160.00	420
bbb.	7/17/14	IBRAHIM MOGHLI	\$ 16,992.00	354
ccc.	7/18/14	RAAD HAMDEH	\$ 22,080.00	460
ddd.	7/20/14	IBRAHIM MOGHLI	\$ 21,312.00	444

ccc.	7/22/14	KHALID ALLAZZAH RAAD HAMDEH	\$ 14,400.00	300
fff.	7/22/14	IBRAHIM MOGHLI	\$ 14,400.00	300
ggg.	7/25/14	KHALID ALLAZZAH RAAD HAMDEH	\$ 21,160.00	420
hhh.	7/25/14	IBRAHIM MOGHLI	\$ 25,440.00	530
iii.	7/30/14	AHMAD ZAYED	\$ 20,400.00	425
jjj.	8/1/14	AHMAD ZAYED	\$ 25,440.00	530
kkk.	8/3/14	WISAM ZEIDAN	\$ 14,400.00	300
lll.	8/4/14	YAZAN ALSALAYMEH	\$ 24,000.00	500
mmm.	8/5/14	YAZAN ALSALAYMEH	\$ 25,528.00	511
nnn.	8/7/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
ooo.	8/8/14	YAZAN ALSALAYMEH	\$ 25,488.00	531
ppp.	8/10/14	YAZAN ALSALAYMEH	\$ 19,440.00	405
qqq.	8/12/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
rrr.	8/14/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
sss.	8/17/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
ttt.	8/19/14	YAZAN ALSALAYMEH	\$ 24,480.00	510
uuu.	8/21/14	YAZAN ALSALAYMEH	\$ 24,480.00	510
vvv.	8/23/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
www.	8/25/14	IBRAHIM MOGHLI	\$ 2,880.00	60
xxx.	8/26/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
yyy.	8/30/14	YAZAN ALSALAYMEH	\$ 23,040.00	480
zzz.	9/1/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
aaaa.	9/4/14	YAZAN ALSALAYMEH	\$ 25,440.00	530
bbbb.	9/9/14	KHALID ALLAZZAH BARAA AWWAD (DELIVERED TO CHICAGO)	\$ 30,000.00	600

All in violation of, and punishable under, Title 18, United States Code, Section 371.

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

JOHN J. WARE, #40880MO
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